

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONALD H. GARDNER, p/k/a)
BLACKA NICE,)
)
Plaintiff,)
)
vs.)
)
RAMON LUIS AYALA-RODRIGUEZ,)
p/k/a DADDY YANKEE, EL CARTEL)
RECORDS, INC., LOS CANGRIS)
PUBLISHING, MACHETE MUSIC,)
UNIVERSAL MUSIC DISTRIBUTION)
CORP., UNIVERSAL MUSIC GROUP,)
VIDAL INVESTMENT, INC., and)
VI MUSIC, INC.)
)
Defendants.)

Cause No. 07-cv-6535-RJS
PLAINTIFF'S RULE 26(a)(1)
INITIAL DISCLOSURE
STATEMENT

Plaintiff Donald H. Gardner, by his attorney, provides the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure:

Rule 26(a)(1)(A)

The following individuals are likely to have discoverable information that Mr. Gardner may use to support his claims or defenses. In identifying these persons, Mr. Gardner expressly reserves the right to assert any applicable privilege or other objection to any testimony any person listed below may offer at any deposition, hearing or trial in this case.

A. Individuals Associated with Plaintiff

1. Donald H. Gardner, p/k/a Blacka Nice
2847 Briggs Avenue
Bronx, New York
Information includes: Full knowledge of dispute.

2. Cedric Reid
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.
3. Haji Kabba
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.
4. Sheiku' Kabba
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.
5. Kevin Shaw
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.

B. Individuals and Entities Affiliated with Defendants

1. Raymond Ayala, p/k/a Daddy Yankee
Location is presently unknown
To be seasonably supplemented.
Information includes: Full knowledge of the dispute.
2. Lavee
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.
3. Monserrate, Fido & D.J. Urba
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of facts related to computation of damages.
4. El Cartel Records, Inc.
San Juan, Puerto Rico
Information includes: Knowledge of facts related to computation of damages.

5. Machete Music
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of facts related to computation of damages.
6. Universal Music & Video Distribution Corp.
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of facts related to computation of damages.
7. Universal Music Group
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of facts related to computation of damages.
8. VI Music
San Juan, Puerto Rico
Information includes: Knowledge of facts related to computation of damages.
9. Los Cangris Music Publishing
Location is presently unknown
To be seasonably supplemented.
Information includes: Knowledge of facts related to computation of damages.

Rule 26(a)(1)(B)

Mr. Gardner is not aware of any documents in his possession, custody or control that he may use to support his claims or defenses. He expressly reserves the right to supplement his response to provide documents, dated compilations or tangible things discovered at a later date and to assert any privilege as well as any objections to the production of such documents or things absent an appropriate protective or confidentiality order.

Rule 26(a)(1)(C)

Mr. Gardner has not yet computed his damages in total as a result of the conduct complained of in his Complaint. Most, if not all, of the necessary images regarding those damages (including Mr. Gardner' share of the profits in the musical composition and performance at issue) are within the custody and control of the defendants. He has and will

continue to be irreparably harmed by Defendants' actions and is seeking injunctive relief, in addition to monetary damages. Defendants' actions have caused and continue to cause damage to Mr. Gardner. Mr. Gardner reserves the right to supplement this disclosure.

Rule 26(a)(1)(D)

Mr. Gardner is not aware of any insuring agreement under which any persons carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in favor of Plaintiff or to indemnify or reimburse Defendants for payments to satisfy the judgment responsive to Fed. R. Civ. P. 26(a)(1)(D).

Respectfully submitted,

REGENSTREICH & BURRELL, LLC

By: Bruce Regenstein

Bruce Regenstein

Bar No.: 2046

110 Wall Street, Eleventh Floor

New York, New York 10005

212-567-8590

fax 212-567-2630

Attorneys for Plaintiff

DONALD H. GARDNER, p/k/a

BLACKA NICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via email and via first class United States mail, postage prepaid, this 21st day of July, 2008 to:

Jonathan S. Pollack, Esq.
240 Madison Avenue-8th Floor
New York, New York 10016
Attorney for defendants

A handwritten signature in black ink, appearing to read "Bruce Regenstein", is written over a horizontal line.

Bruce Regenstein, Esq.
Attorneys for Plaintiff